

# **Application for Approval of a Definitive Plan**

Under the Subdivision Control Law and the Acton Planning  
Board Subdivision Rules and Regulations

for

## **SPRING FARM CIRCLE RESIDENTIAL COMPOUND ACTON, MA**

Location: Assessors Map F-1 Parcels 110 & 110-1  
#105 & #107 Summer Street  
Acton, MA

Applicant: **Jane Gruber**  
105 Summer Street  
Acton, MA 01720

Owners: Jane A. & Benjamin A. Gruber  
105 Summer Street  
Acton, MA 01720

Nancy L. Meehan  
107 Summer Street  
Acton, MA 01720

Date: October 2, 2006

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### **Attached Full Size Plans**

#### **“Definitive Subdivision Plan”**

##### **Spring Farm Circle**

A Residential Compound

Acton, Massachusetts

For: Jane Gruber

Scale: 1”=40’; October 2, 2006

By: Stamski And McNary, Inc.

#### **“Proof Plan”**

Acton, Massachusetts

For: Jane Gruber

Scale: 1”=40’; October 2, 2006

By: Stamski And McNary, Inc.

**5.2.1**

**FORM DP  
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**

**ACTON PLANNING BOARD**

**FORM DP**

**APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Acton for Approval under the suggested procedure in the Rules and Regulations Governing the Subdivision of Land in the Town of Acton, Massachusetts.

(Please type or print information in blanks below.)

1. Name of Proposed Subdivision Spring Farm Circle

2. Name of Applicant(s) Jane A. Gruber

Contact Address 105 Summer Street, Acton, MA 01720 Phone (978) 263-7438

1. Benjamin A. & Jane A. Gruber

3. Name of Property Owner(s) 2. Nancy L. Meehan

4. Name of Engineer Stamski and McNary, Inc.

Address: 80 Harris Street, Acton, MA 01720 Phone (978) 263-8585

5. Name of Land Surveyor Stamski and McNary, Inc.

Address 80 Harris Street, Acton, MA 01720 Phone (978) 263-8585

1. 39071

6. Deed of property recorded in the Middlesex South Registry of Deeds Book Number 2. 14738

1. 338

Page Number 2. 217 and/or registered in the Middlesex Registry of Land Court, Certificate:

Of Title Number \_\_\_\_\_

1. 110

7. Zoning District R2 Map No.(s) E-1 Parcel No.(s) 2. 110-1

Approximate acreage in subdivision 2.85 Number of lots 4

Total length of road(s) in linear feet 218'

Location and Description of property two existing dwellings located at 105 and 107 Summer

Street, located approximately 400' from Winter Street

8. Said plan has (✓)/has not ( ) evolved from a preliminary plan submitted to the Board on

May 23, 2006; and approved (with modifications) (✓) or disapproved ( ) on June 13, 2006.

James A. Gruber 8/25/06

Signature of Applicant, Date

Benjamin A. Gruber 8/25/06

Signature of Owner, Date

Signature of Applicant, Date

Nancy L. Meehan 8/25/06

Signature of Owner, Date

ALL owners (in case of a corporation, an authorized officer; in the case of a trust, ALL trustees) must Sign.

### **5.2.2**

## **DEVELOPMENT IMPACT REPORT**

## DEVELOPMENT IMPACT REPORT

The Development Impact Report (DIR) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Planning Board in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIR should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIR, together with a conceptual development plan, are discussed with the Planning Department staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIR seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts which could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information which will help the Town plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIR, along with early consultations with the Planning Department staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with an application for approval of a preliminary and a definitive subdivision plan. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

## DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision Spring Farm Circle
2. Location #105 & #107 Summer Street Assessor's Map F-1 Parcels 110 & 110-1
3. Name of Applicant(s) Jane A. Gruber
4. Brief Description of the Proposed Project A proposed Residential Compound consisting of two existing and two proposed detached single family dwellings to be served by a 218' private way, designed to the standards for a common driveway.
5. Name of Individual Preparing this DIR Richard J. Harrington, P.E.  
Address Stamski and McNary, Inc. 80 Harris St. Business Phone (978) 263-8585 ext. 111  
Acton, MA 01720
6. Professional Credentials Commonwealth of MA Registered Professional Engineer Lic. # 41298  
Member of American Society of Civil Engineers

### A. Site Description

7. Present permitted and actual land uses by percentage of the site.

<i>Uses</i>	<i>Percentage</i>
Industrial	0
Commercial	0
Residential	100
Forest	0
Agricultural	0
Other (specify)	0

8. Total acreage on the site: 2.85+/- acres.

<b>Approximate Acreage</b>	<b>At Present</b>	<b>After Completion</b>
Meadow or Brushland (non agriculture)	0	0
Forested	1.63 +/-	0.64 +/-
Agricultural (includes orchards, cropland, pasture)	0	0
Wetland	0.01 +/-	0.01 +/-
Water Surface Area	0	0
Flood Plain	0	0
Unvegetated (rock, earth, or fill)	0	0
Roads, buildings and other impervious surfaces	0.27 +/-	0.54 +/-
Other (indicate type) <u>Lawn Area</u>	0.94 +/-	1.66 +/-

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

<b>District</b>	<b>Percentage</b>
Residence 2 (R-2)	100
Groundwater Protection District Zone 2	27
Groundwater Protection District Zone 3	73

10. Predominant soil type(s) on the site: Merrimac fine sandy loam

Soil drainage (Use the US Soil Conservation Service's definition)

<b>Soil Type</b>	<b>% of the Site</b>
Well drained	100
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site? yes X no
12. Approximate percentage of proposed site with slopes between:

<b>Slope</b>	<b>% of the Site</b>
0 - 10%	90
10 - 15%	10
greater than 15%	0

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well?

Zone(s) 2&3 Proximity to a public well: 2,060 +/- feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director).

yes X no

If yes, specify: \_\_\_\_\_

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

yes X no

If yes, specify: \_\_\_\_\_



16. Are there any established foot paths running through the site or railroad right of ways?

☐ yes ☒ no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

17. Is the site presently used by the community or neighborhood as an open space or recreation area? ☐ yes ☒ no

Is the site adjacent to conservation land or a recreation area? ☐ yes ☒ no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ☐ yes ☒ no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?

☒ yes ☐ no

If yes, specify: There is a Vegetated Wetland bordering a pond in the north east corner of the subdivision this BVW has been flagged and delineated by David Crossman from B & C associates.

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ☐ yes ☒ no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site? ☐ yes ☒ no

If yes, specify results: No, to the best of the preparer's knowledge, existing land use is for two existing residential dwellings.

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ☐ yes ☒ no

If yes, specify \_\_\_\_\_  
\_\_\_\_\_

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Action Historical Society.)

☒ yes ☐ no

If yes, please describe: Existing dwelling #105 Summer Street (to remain) is currently on Acton's Cultural Resource List.

24. Is the project contiguous to or does it contain a building in a local historic district or national register district?  
\_\_\_\_yes                      X no

25. Is the project contiguous to any section of the Isaac Davis Trail?  
\_\_\_\_yes                      X no

If yes, please describe \_\_\_\_\_

### **B. Circulation System**

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision? Based on 2 Proposed Dwellings, the two existing dwellings not included.

Average weekday traffic		19.14
Average peak hour volumes	morning	1.50
Average peak hour volumes	evening	2.02

27. Existing street(s) providing access to proposed subdivision:

Name Summer Street Town Classification Collector

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways Summer Street & Winter Street, Summer Street & Arlington Street

29. Location of existing sidewalks within 1000 feet of the proposed site? Opposite Side of Summer Street

30. Location of proposed sidewalks and their connection to existing sidewalks:

There are no sidewalks proposed on site, however in response to request in the Preliminary Subdivision (Residential Compound) Approval with conditions our client has prepared a letter dated August 30, 2006 regarding the sidewalk contribution.

31. Are there parcels of undeveloped land adjacent to the proposed site? \_\_\_\_yes X no

Will access to these undeveloped parcels be provided within the proposed site?

\_\_\_\_yes                      \_\_\_\_no

If yes, please describe \_\_\_\_\_

If no, please explain why \_\_\_\_\_

### **C. Utilities and Municipal Services**

32. If dwelling units are to be constructed, what is the total number of bedrooms proposed? 8

33. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? N/A site is residential.

34. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site: Site runoff, travels north-northeast over the surface into an unnamed stream and small pond with an associated wetlands area. From there the runoff travels towards Inch Brook and its associated wetlands area, which eventually feeds into Guggins Brook.
- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: The first inch of runoff from the private way will be diverted by catch basins into a clay lined drainage basin. A subsurface recharge area will be used to control peak rates of runoff.
- c. Will a NPDS Permit be required? X yes    no

35. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)  
3-4 Minutes

36. Schools (if residential)

- a. Projected number of new school age children: 1.67x2 new dwellings= 3.34
- b. Distance to nearest school: 8,448' +/-

**E. Measures to Mitigate Impacts**

Attach brief descriptions of the measures that will be taken to:

37. Prevent surface water contamination.
38. Prevent groundwater contamination.
39. Maximize groundwater recharge.
40. Prevent erosion and sedimentation.
41. Maintain slope stability.
42. Design the project to conserve energy.
43. Preserve wildlife habitat.
44. Preserve wetlands.
45. Ensure compatibility with the surrounding land uses.
46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event..
47. Preserve historically significant structure sand features on the site.
48. To mitigate the impact of the traffic generated by the development.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

Development Impact Report  
Section E Measures to Mitigate Impacts

37. Prevent surface water contamination The proposed drainage system is designed in accordance with the Department of Environmental Protection's Stormwater Management Policy. The private way drainage will be directed into a closed drainage system composed of deep sump and hooded catch basin. The deep sump and hooded catch basin will act as pretreatment which will prohibit oil and gas from entering the remainder of the drainage system and collect driveway sediment. After exiting the catch basin, the first inch of runoff will be directed into the clay lined retention basin. The remainder of the runoff will then be directed to the sub-surface drainage basin for recharge.
38. Prevent groundwater contamination The septic system on each lot will be designed to meet or exceed Title V and the Town of Acton Board of Health standards. Each lot will be served by town water. The drainage system will be designed to treat and recharge the runoff so as to prevent contamination of the groundwater. In addition, all private way drainage will be directed into a stormwater management system as described above. This stormwater management system will contain any potential pollutants (i.e. oil and gas) before they can reach the groundwater table.
39. Maximize groundwater recharge A Proposed Sub-Surface drainage area will be provided to the North East end of the proposed driveway T-turnaround area for the private way runoff. This drainage area will also provide recharge of runoff. Driveways on the lots runoff will be directed to stone trenches for recharge, and roof runoff will be directed towards sub-surface dry-wells.
40. Prevent erosion and sedimentation During construction, a haybale and/or siltation fence will be placed between the limit of construction and the edge of the property, which will remain in place until a vegetative cover is established. Any silt, construction debris, etc. shall be removed from the public way or abutting property immediately upon discovery. All sediments spilled, dropped, or washed into public rights-of-ways shall also be removed immediately. A "Stabilized Construction Entrance" will be located at the intersection with Summer Street. The "Stabilized Construction Entrance" will be removed and replaced with gravel prior to placement of pavement. All catch basins and manhole rims will be covered with siltation fabric and haybales. The sumps will be cleaned out immediately upon completion of construction activities. All cut and fill slopes will be stabilized immediately with six inches (6") of loam and seed during the growing season (April 1 to November 1) or with haymulch during the non-growing season (November 1 to April 1). Any fill material used shall be free of hazardous material and construction debris. Rip rap will be placed at the end of all drainage outlets. The developer shall comply with the Erosion and Sedimentation Control Plan.
41. Maintain slope stability All cut and fill slopes will be stabilized immediately with six inches (6") of loam and seed during the growing season (April 1 to November 1) or with haymulch during the non-growing season (November 1 to April 1). Haybales and/or siltation fence shall remain in place until vegetation has been established. An Erosion and Sedimentation Control Plan will be prepared which will provide the necessary details.
42. Design the project to conserve energy The proposed dwellings will meet the stringent requirements of the state and local building codes.
43. Preserve wildlife habitat The site is not located within an area of estimated habitat of rare wildlife. Existing vegetation shall be preserved wherever possible.
44. Preserve wetlands There is no wetland filling proposed, therefore the wetlands will be preserved.

45. Ensure compatibility with the surrounding land uses The surrounding land uses are composed of residential single family homes along Summer Street. The existing and proposed use of the property is also residential. The approval of a residential compound will maintain the feel of a small neighborhood, since there will be less pavement, tree clearing and drainage required for a common driveway as opposed to a full subdivision road.
46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment. See 37, 38 & 39. The combination of the subsurface recharge areas and diversion of roof runoff towards drywells will provide the storage and the controls necessary to disperse and slow down runoff from developed areas to below predevelopment runoff rates.
47. Preserve historically significant structures and features on the site This plan preserves, the existing dwelling (#105 Summer Street) which is currently on the Town of Acton's Cultural Resource List, will remain unchanged.
48. To mitigate the impact of the traffic generated by the development The proposed private way is a minor way designed to common driveway standards. The project will only generate traffic from two additional residential dwellings. The vehicle trips generated from this proposed development are well below any daily volume threshold which would effectively put a strain on the existing streets.


### 5.2.3

## FILING FEE (COPY OF CHECK)

### DEFINITIVE PLAN FILING FEE

Following a Preliminary Plan - \$2,000.00 + \$5.00/foot of road

- 222 ft. of road x \$5.00 = \$1,110
- \$1,110 + \$2,000 = \$3,110

JANE A. GRUBER 105 SUMMER ST. ACTON, MA 01720		Date <u>8/31/06</u>	4681 53-13/110 MA 80653
Pay to the Order of	<u>Town of Acton</u>	\$ <u>3110<sup>00</sup></u>	
<u>Three Thousand One Hundred Ten and 00/100</u>		Dollars	 Security features are included. Details on back.
<b>Bank of America</b>			
ACH R/T 011000138			
For	<u>Definitive plan</u>	<u>Jane Gruber</u>	MP
⑆01⑆000138⑆ 000022835378⑆ 4681			

#### **5.2.4**

**DEFINITIVE SUBDIVISION PLAN  
(SEE ATTACHED)**

**5.2.5**

**FORM DC  
DESIGNERS CERTIFICATE**



ACTON PLANNING BOARD

FORM DC

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled DEFINITIVE PLAN FOR SPRING FARM CIRCLE IN ACTON, MA – RECORD PLAN dated AUGUST 28, 2006

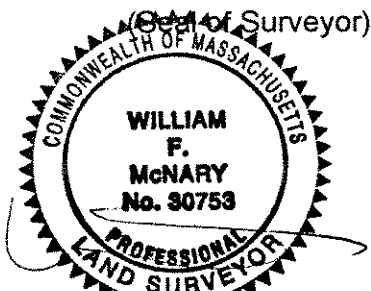
is correct, stating that the perimeter traverse of the subdivision before adjustment was closed to an accuracy of a ratio "error of closure" not to exceed 1:15,000\*; that it is a subdivision of 2.85± acres conveyed by a.) MARY M. DERBY b.) NANCY L. MEEHAN AND WILLIAM S. MEEHAN to a.) BENJAMIN A. GRUBER AND JANE A. GRUBER b.) NANCY L. MEEHAN by a deed, dated a.) SEPTEMBER 27, 1982 b.) APRIL 28, 2003 and recorded in Middlesex County Registry of Deeds, South District, Book a.) 14738 b.) 39071, Page a.) 217 b.) 338.

Other sources of information used in the preparation of the plan are:

1. Other deeds and plans, as follows PLAN No. 285 OF 1975, PLAN No. 1706 OF 1985, PLAN No. 601 OF 1959, AND PLAN No. 158 OF 1968.
2. Oral information furnished by \_\_\_\_\_
3. Other \_\_\_\_\_

Furthermore, I certify that this survey was made on the ground in accordance with the "Procedural and Technical Standards for the Practice of Land Surveying", Section 250 CMR\*\* 5.0 between 11/29/05 and 8/28/06.

(date) (date)



Signed [Signature] 10/02/06  
Registered Land Surveyor Date

Address Stamski and McNary, Inc.  
80 Harris Street – Acton, MA 01720

Registration No. 30753

\* As described in the "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans" published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

\*\* Code of Massachusetts Regulations

### **5.2.6**

## **CERTIFIED LIST OF ABUTTERS**



**Town of Acton**  
472 Main Street  
Acton, MA 01720  
Telephone (978) 264-9822  
Fax (978) 264-9830

Brian McMullen  
Assistant Assessor

**Locus:** 105 & 107 Summer St  
**Parcel:** F1-110 & F1-110-1

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
680 MASS AV	F1-4	ACTON WATER DISTRICT		472 MAIN STREET	ACTON	MA	01720
153 SUMMER ST	F1-15	ERIKSON MILDRED L		151 SUMMER ST	ACTON	MA	01720
19 BIRCH RIDGE RD	F1-64	BIRNS PETER J	BIRNS HENDRIKA	19 BIRCH RIDGE RD	ACTON	MA	01720
21 BIRCH RIDGE RD	F1-75	FRIDRIKH SERGEY	FREYDINA EVGENTY A	21 BIRCH RIDGE RD	ACTON	MA	01720
23 BIRCH RIDGE RD	F1-83	FAN ZHANYUN	CHEN ZHIGANG	23 BIRCH RIDGE RD	ACTON	MA	01720
113 SUMMER ST REAR	F1-86	POTTER SHELLEY		113 SUMMER ST REAR	ACTON	MA	01720
111 SUMMER ST	F1-87	POTTER MURRAY W	GAIL M	111 SUMMER STREET	ACTON	MA	01720
359 ARLINGTON ST	F1-88	TORMA DENNIS O	TORMA NICOLE T	359 ARLINGTON ST	ACTON	MA	01720
363 ARLINGTON ST	F1-88-1	MACKALL AUBREY	MCCARTHY PAULA V	363 ARLINGTON ST	ACTON	MA	01720
367 ARLINGTON ST	F1-88-2	ELLIOT PAUL G	ELLIOT DOLORES A	367 ARLINGTON ST	ACTON	MA	01720
95 SUMMER ST	F1-88-3	HUGHES GEOFFREY A	HUGHES MANYA BALCH	95 SUMMER ST	ACTON	MA	01720
89 SUMMER ST	F1-88-4	WARREN WADE M	WARREN KRISTIN MH	89 SUMMER ST	ACTON	MA	01720
361 ARLINGTON ST	F1-88-5	PROODIAN RONALD C	SCENA C	361 ARLINGTON ST	ACTON	MA	01720
25 BIRCH RIDGE RD	F1-89	SARTINI III THOMAS EUGENE	WALSH-SARTINI ALLISON J	25 BIRCH RIDGE RD	ACTON	MA	01720
355 ARLINGTON ST	F1-94	LINDSAY DONALD	LINDSAY KAREN	355 ARLINGTON ST	ACTON	MA	01720
113 SUMMER ST BESIDE	F1-97	POTTER SHELLEY		113 SUMMER ST BESIDE	ACTON	MA	01720
116 SUMMER ST	F1-98	WHITCOMB DOUGLAS W		116 SUMMER ST	ACTON	MA	01720
112 SUMMER ST	F1-109	WHITCOMB DOUGLAS W		112 SUMMER ST	ACTON	MA	01720
112 SUMMER ST BESIDE	F1-117	STEVENS ON MARTIN S		112 SUMMER ST	ACTON	MA	01720
366 ARLINGTON ST	F1-117-1	RYAN JOHN F		112 SUMMER ST	ACTON	MA	01720
108 SUMMER ST	F1-118	DEACON DAVID + DAVID JR TRUSTE	DEACON FAMILY REALTY TRUST	366 ARLINGTON ST	ACTON	MA	01720
104 SUMMER ST	F1-123	LOPORTO JOSEPH S	LOPORTO MARTHA G	108 SUMMER ST	ACTON	MA	01720
98 SUMMER ST	F1-138	COUGHLIN CORNELIUS E	ROSEMARIE	104 SUMMER ST	ACTON	MA	01720
3 WINTER ST	F1-139	STEWART ARTHUR I	LISELOTTE	98 SUMMER ST	ACTON	MA	01720
1 WINTER ST	F1-148	WRIGHT LYNDIA	C/O DAVID MUGGROVE	3 WINTER	ACTON	MA	01720
88 SUMMER ST	F1-149	DONOHUE BARBARA F		1 WINTER ST	ACTON	MA	01720
2 WINTER ST	F1-156	OSBORN GILBERT S	LYNNE J	88 SUMMER STREET	ACTON	MA	01720
	F1-165			2 WINTER STREET	ACTON	MA	01720

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

**HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:**

Buxton, MA 01720  
Concord, MA 01742  
Littleton, MA 01460  
Carlisle, MA 01741  
Stow, MA 01775  
Westford, MA 01886  
Sudbury, MA 01776

*Kimberly Hoyt*  
Kimberly Hoyt  
Assessing Clerk

18-Aug-06 Printed  
14-Feb-06 Updated

**5.2.7**

**STATEMENT FROM DEVELOPER**

August 25, 2006

Planning Board  
Town of Acton  
472 Main Street  
Acton, MA 01720


RE: Spring Farm Circle Subdivision ("Residential Compound")

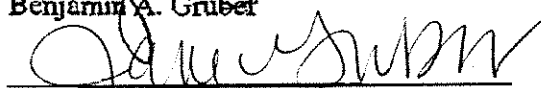
Members of the Board:


Pursuant to and in satisfaction of Section 5.2.7 of the Town of Acton Planning Board Subdivision Rules and Regulations ("Rules"), Jane A. Gruber, Benjamin A. Gruber and Nancy L. Meehan (collectively, the "Developer", which term shall include their successors and assigns) shall retain the fee in Spring Farm Circle and upon construction of the streets and installation of services will, at the request of the Town of Acton, grant to the Town the fee (or an easements for all purposes for which streets are used) in such streets; and will, at the request of the Town of Acton, grant to it any drainage or other easements shown on the plan.

Pursuant to and in satisfaction of Section 5.2.10 of the Rules, Developer hereby grants to the Town of Acton the right to enter upon the land shown on the aforesaid plan to complete the ways and services if the Developer does not complete the same in accordance with its obligations.

Pursuant to and in satisfaction of Section 10.1.1.5 of the Rules, Developer hereby certifies to the Town of Acton that any Deed of the lots with regard to the Residential Compound will reference the Decision and provide restriction that the Town of Acton will not be petitioned to accept or maintain Spring Farm Circle, drainage systems, open space or any other improvements within the Residential Compound for which design or improvement requirements contained in Section 8 and 9 of the Rules has been waived and that the land within the Residential Compound shall only be used for the purposes set forth in the developer's proposed definitive plan.

  
Benjamin A. Gruber

  
Jane A. Gruber

  
Nancy L. Meehan

**5.2.8**

**FORM LN  
DRAFT OF LEGAL ADVERTISEMENT**

ACTON PLANNING BOARD

FORM DP-LN

LEGAL NOTICE OF PUBLIC HEARING

ACTON PLANNING BOARD

The Acton Planning Board will hold a public hearing on \_\_\_\_\_, 2006, at \_\_\_\_\_ in the Acton Memorial Library, 486 Main Street, Acton, Massachusetts to discuss a proposed subdivision of land entitled SALIX FARM CIRCLE RESIDENTIAL COMBOS as petitioned by JANE GRUBER. This subdivision consists of 2.85 acres to be divided into 4 lots. The land is located in Acton, Massachusetts off of 105<sup>1107</sup> SUMMER STREET and shown on Town Atlas Map(s) F-1, Parcel(s) 110<sup>110</sup>-4. Plans may be viewed at the Office of the Planning Board or the Office of the Town Clerk.

### **5.2.9**

## **WAIVER REQUEST LETTER**



STAMSKI AND MCNARY, INC.

80 Harris Street  
Acton, Massachusetts 01720  
(978) 263-8585  
FAX (978) 263-9883

WILLIAM F. MCNARY, P.L.S.  
JOSEPH MARCH, P.E., P.L.S.

October 02, 2006

Acton Planning Board  
472 Main Street  
Acton, MA 01742

Re: Definitive Subdivision Plan at 105 Summer Street, Spring Farm Circle  
**Waiver Request Letter**

Members of the Board:

On behalf of our client, Jane Gruber, we hereby request waivers from Section 8, Design Standards, and Section 9, Improvements, of the Acton Subdivision Regulations. The private driveway has been designed to Common Driveway Standards which is the general rule established under Section 10.1.2 of the Acton Subdivision Regulations.

The reason for granting the requested waivers is to allow the applicant to build a small scale residential subdivision in a manner which minimizes Town maintenance, responsibility and cost, while simultaneously preserving the rural character of the Town.

Respectfully,  
For: Stamski and McNary, Inc.

A handwritten signature in black ink, appearing to read 'D. Haslett', with a stylized flourish extending from the end.

David Haslett, E.I.T.

Richard J. Harrington, P.E.

**5.2.10**

**LETTER AUTHORIZING TOWN TO COMPLETE  
DRIVEWAY**

**SEE LETTER IN SECTION 5.2.7**

**5.2.12**

**COPIES OF DEEDS**

I, Mary M. Derby,

of Concord, Middlesex

for consideration paid, and in full consideration of \$105,000.00

grants to Benjamin A. Gruber and Jane A. Gruber, husband and wife,

as tenants by the entirety,  
of 105 Summer Street, Acton, Massachusetts 01720

SALES REPORT	
LHS CARDS	
ENGINEERING	
ACCURATE	
LABEL County, Massachusetts	

with quitclaim covenants

the taking

(Description and encumbrances, if any)

A certain parcel of land with the improvements thereon situated on the Northeasterly side of Summer Street, Acton, Middlesex County, Massachusetts, being shown as Lot 10 on a plan entitled, "Compiled Plan of Land in Acton, Mass. Owned by Mary M. and Charles E. Derby"; Scale 1" = 40'; dated April 3, 1975; John W. Lymberg, Main Street, Bolton, Mass., Civil Engineer and Surveyor; which plan is recorded with Middlesex South District Registry of Deeds in Book 12784, Page 518, bounded and described as follows:

SOUTHWESTERLY by Summer Street, as shown on said plan, by two distances measuring respectively, 45.41 feet and 137.10 feet;  
 SOUTHEASTERLY by Parcel B, as shown on said plan, 48.88 feet;  
 SOUTHEASTERLY by Lot 2, as shown on said plan, by two distances, measuring respectively, 50.24 feet and 105.17 feet;  
 SOUTHEASTERLY by Parcel D and Lot 6, as shown on said plan, 137.08 feet;  
 NORTHEASTERLY by Lot 6, as shown on said plan, 234.52 feet;  
 NORTHWESTERLY by Lot 1A, as shown on said plan, 350.72 feet.

Containing an area of 72,148 square feet of land, as shown on said plan. Intending to convey and hereby conveying Lot 1B, as shown on said plan, however otherwise bounded, measured or described.

For the Grantor's title, see deed from Charles E. Derby et al to Mary M. Derby, dated November 14, 1980 and recorded with said Deeds in Book 14161, Page 124.

The post office address of the granted premises is: 105 Summer Street, Acton, Massachusetts 01720.

Witness my hand and seal this 21 day of September 19 82

Mary M. Derby

The Commonwealth of Massachusetts

Middlesex, ss.

September 27, 19 82

Then personally appeared the above named Mary M. Derby

and acknowledged the foregoing instrument to be her free act and deed, before me

Maurice McWalter, Jr.

Notary Public—Dutchedam Prize

My commission expires

October 15, 19 82

(\*Individual—Joint Tenants—Tenants in Common—Tenants by the Entirety.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have on it a recital of the amount of the full consideration thereof in a specific monetary sum. The full consideration shall mean the sum of the purchase price and the amount of any other consideration assumed by the grantee or remaining thereon. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.



Bk: 39071 Pg: 338  
 Recorded: 05/06/2003  
 Document: 00000263 Page: 1 of 1

81

F1-110-1

QUITCLAIM DEED

We, Nancy L. Meehan and William S. Meehan, of Acton, Middlesex County, Massachusetts

For consideration of: LESS THAN ONE HUNDRED AND 00/100 (\$ 100.00) DOLLARS PAID

Grant to Nancy L. Meehan, of 107 Summer Street, Acton, Middlesex County, Massachusetts

With QUITCLAIM COVENANTS,

A certain parcel of land with the improvements thereon situated on the Northeasterly side of Summer Street, Acton, Middlesex County, Massachusetts, being shown as Lot 1-A on a plan entitled, "Compiled Plan of Land in Acton, Mass. Owned by Mary M. & Charles E. Derby", Scale 1"= 40 feet, dated April 5, 1975, John W. Lymberg, Main St., Bolton, Mass., Civil Engineer & Surveyor, which plan is recorded with Middlesex South District Registry of Deeds in Book 12784, Page 518, bounded and described as follows:

SOUTHWESTERLY by Summer Street as shown on said plan, 150.00 feet;  
 SOUTHEASTERLY by Lot 1-B as shown on said plan, 350.72 feet;  
 NORTHEASTERLY by Lot 6 as shown on said plan, 149.86 feet; and  
 NORTHWESTERLY by Parcel "E" as shown on said plan. 350.04 feet.

Containing an area of 52,105 square feet of land as shown on said plan.

Being the same premises conveyed to us by deed from Nancy L. Meehan and William S. Meehan dated September 16, 2002 as in book 32674, page 252.

Nancy L. Meehan  
 Nancy L. Meehan  
William S. Meehan  
 William S. Meehan

THE COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

April 28, 2003

Then personally appeared the above named, Nancy L. Meehan and William S. Meehan, and acknowledged and foregoing instrument to be her free act and before me.

Carol F. Barton  
 Notary Public  
 My Commission Expires:

Carol F. Barton  
 Notary Public  
 Commonwealth of Massachusetts  
 My Comm. Exp. 1/17/08

### **5.2.13**

## **LIST OF MORTGAGE HOLDERS**

## MORTGAGE LIST:

105 SUMMER STREET:

BORROWER: Jane Gruber & Benjamin A. Gruber

LENDER: Boston Federal Savings Bank

107 SUMMER STREET

BORROWER: Nancy L. Meehan

LENDER: ABN AMRO Mortgage Group, INC.

**5.2.14**

**FORM RC  
DRAFT RESTRICTIVE COVENANT**



**ACTON PLANNING BOARD  
FORM RC**

**RESTRICTIVE COVENANT**

In consideration of the approval by the Planning Board of the Town of Acton, Massachusetts (hereinafter referred to as the Board), of a plan of land located in Acton, Middlesex County, Massachusetts entitled "Definitive Plan for Spring Farm Circle in Acton, MA, Record Plan, For: Jane Gruber, Scale: 1" = 40', July 28, 2006, Stamski and McNary, Inc., 80 Harris Street, Acton, Mass., approved by the Board on \_\_\_\_\_ and the waiver by the Board of a bond or other security for the construction of the ways and the installation of certain services shown on said plan, in compliance with the Town of Acton, Massachusetts (the "Town") Subdivision Rules and Regulations, last amended \_\_\_\_\_; Benjamin A. Gruber and Jane A. Gruber, Husband and Wife, as Tenants by the Entirety of 105 Summer Street, Acton, Middlesex County, Massachusetts 01720 and Nancy L. Meehan, Individually of 107 Summer Street, Acton, Middlesex County, Massachusetts, (the "Developers"), their successors and assigns, hereby covenant and agree with the Board and the Town as follows:

1. The undersigned Developers are the owners in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of said land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the Developers.
2. The Developers shall not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the following:
  - a) The Subdivision Control Law and the Acton Planning Board's Rules and Regulations governing this subdivision.
  - b) The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated\_\_\_\_\_.
  - c) The definitive plan as approved and as qualified by the certificate of approval.
  - d) Other document(s), namely:
3. However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or built upon until ways and services have been provided to serve such lot.

4. The Developers will expeditiously and diligently proceed to construct the ways shown on the aforesaid plan and in the event that the Board concludes, in its sole discretion, that the Developers are not so constructing such ways, the Developers shall provide additional security other than this covenant sufficient in the Board's opinion for the construction and completion of such ways and services as shown on the aforesaid plan or for a portion thereof. Such additional securities shall comply with the requirements of the Town's Subdivision Rules and Regulations, provided, however, that the Board shall determine the date by which the work, for which additional security must be posted, shall be completed.
5. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the Developers and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
6. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
7. Particular lots within the subdivision shall be released from this covenant upon the recording of a certificate of performance executed by the Planning Board and enumerating the specific lots to be released.
8. The Developers agree to record this covenant with the Middlesex South District Registry of Deeds (the "Registry"), forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
9. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed.
10. This covenant shall be executed before endorsement of the approval of the definitive plan by the Planning Board and shall take effect upon such endorsement.
11. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before \_\_\_\_\_, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be approved by the Planning Board, shall constitute reason for rescission by the Board of the approval of the plan.
12. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

13. The land included in the subdivision is encumbered by and subject to the following mortgages which, however, are subordinated to this covenant:

- a) Mortgage granted by Jane Gruber and Benjamin A. Gruber to Boston Federal Savings Bank dated August 19, 2003, and recorded with the Registry at Book 40677, Page 524, and
- b) Home Equity Revolving Line of Credit Mortgage granted by Jane Gruber and Benjamin A. Gruber to Boston Federal Savings Bank dated July 17, 1997, and recorded with the Registry at Book 27499, Page 135, as affected by Subordination of Mortgage dated August 19, 2003 and recorded with the Registry in Book 40677, Page 523; and
- c) Mortgage by William S. Meehan and Nancy L. Meehan to Sovereign Bank, dated September 9, 2002, and recorded with the Registry in Book 36409, Page 217; and
- d) Mortgage granted by Nancy L. Meehan to ABN AMRO Mortgage Group, Inc., dated April 28, 2003, and recorded with the Registry at Book 39071, Page 339; and
- e) Home Equity Line of Credit Mortgage granted by William S. Meehan and Nancy L. Meehan to Sovereign Bank, dated December 2, 2002, and recorded with the Registry at Book 37443, Page 186, as affected by Subordination Agreement dated December 17, 2004 and recorded with the Registry in Book 44361, Page 297.

IN WITNESS WHEREOF, the mortgage holder(s) assents to this covenant and agrees to subordinate said mortgage(s) to this covenant, signed under seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

FIRST MORTGAGE HOLDER (Gruber): Boston Federal Savings Bank

By: \_\_\_\_\_

SECOND MORTGAGE HOLDER (Gruber): Boston Federal Savings Bank

By: \_\_\_\_\_

FIRST MORTGAGE HOLDER (Meehan): Sovereign Bank

By: \_\_\_\_\_

SECOND MORTGAGE HOLDER (Meehan): ABN AMRO Mortgage Group, Inc.,

By: \_\_\_\_\_

THIRD MORTGAGE HOLDER (Meehan): Sovereign Bank

By: \_\_\_\_\_

STATE OF \_\_\_\_\_

\_\_\_\_\_ County \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that \_\_\_\_\_ signed it voluntarily for its stated purpose as \_\_\_\_\_ of Boston Federal Savings Bank, as aforesaid.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

STATE OF \_\_\_\_\_

\_\_\_\_\_ County \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that \_\_\_\_\_ signed it voluntarily for its stated purpose as \_\_\_\_\_ of Sovereign Bank, as aforesaid.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

STATE OF \_\_\_\_\_

\_\_\_\_\_ County \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that \_\_\_\_\_ signed it voluntarily for its stated purpose as \_\_\_\_\_ of ABN AMRO Mortgage Group, Inc., as aforesaid.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

IN WITNESS WHEREOF, the Developers have executed this Restrictive Covenant under seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

DEVELOPERS:

\_\_\_\_\_  
Benjamin A. Gruber

\_\_\_\_\_  
Jane A. Gruber

\_\_\_\_\_  
Nancy L. Meehan

STATE OF MINNESOTA

\_\_\_\_\_ County \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, Benjamin A. Gruber, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, Jane A. Gruber, proved to me through satisfactory evidence of identification, which was MA DRIVER'S LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, Nancy L. Meehan, proved to me through satisfactory evidence of identification, which was MA DRIVER'S LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Approved and accepted by the Acton Planning Board:

\_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX A:**  
**SIDEWALK CONTRIBUTION LETTER**

August 30, 2006

Town of Acton  
Planning Board  
472 Main Street  
Acton, MA 01720

Re: Sidewalk Contribution for Spring Farm Circle Subdivision

Members of the Board;

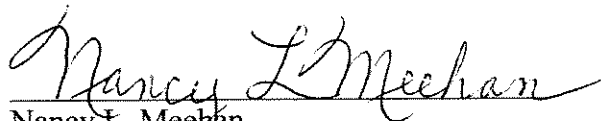
We are writing to you concerning the proposed sidewalk contribution for the Spring Farm Circle residential compound. The town has proposed two sidewalk options in order for us to meet the requirement for a sidewalk contribution. Both sidewalk plans present design challenges that seem beyond the scope of this small project.

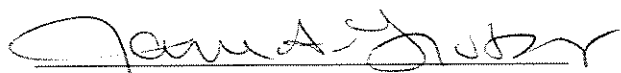
We submit for your consideration two alternate proposals, as follows: 1.) a contribution of a dollar amount to the town's sidewalk fund that is amount commensurate with the size of the project, or 2.) extending the current sidewalk that terminates at 294 Arlington Street.

The reason we are suggesting the Arlington Street alternative in lieu of the two town proposals is that we feel it carries more benefit to the proposed residential compound; it enhances the natural walking path to West Acton Center, it is located closer to our neighborhood, and it enhances public safety, especially for children, as the current non-sidewalk portion of Arlington Street is dangerous for walkers.

We have revisited both plans and feel that this alternative makes sense. We are not opposed to sidewalks or our contribution but feel that the Arlington Street proposal enhances our neighborhood and public safety.

Sincerely,

  
Nancy L. Meehan

  
Jane A. Gruber



**APPENDIX B:**  
**PRIVATE WAY AND MAINTENANCE AGREEMENT**

## **PRIVATE WAY AND MAINTENANCE AGREEMENT**

### **SPRING FARM CIRCLE, ACTON**

WHEREAS, Benjamin A. Gruber, of \_\_\_\_\_, Minnesota, Jane A. Gruber, of 105 Summer Street, Acton, Middlesex County, Massachusetts 01720 and Nancy L. Meehan, of 107 Summer Street, Acton, Middlesex County, Massachusetts, (hereinafter collectively referred to as the "Declarant") are the fee simple Owners of Lots 1, 2, 3 and 4 on a plan entitled "Definitive Plan for Spring Farm Circle in Acton, MA, Record Plan, For: Jane Gruber, Scale: 1" = 40', July 28, 2006, Stamski and McNary, Inc., 80 Harris Street, Acton, Mass., recorded herewith (hereinafter referred to as the "Plan"); and

WHEREAS, Lots 1, 2, and 3 (hereafter, together, the "Lots") shall be accessed exclusively by a private way, from Summer Street to said Lots, said way being shown as "Spring Farm Circle" on the Plan (hereafter "Spring Farm Circle"); and

WHEREAS, the development also contains drainage and utility facilities, for the support and benefit of Spring Farm Circle and said the Lots, which are located or to be located in those areas shown as "Drainage & Utility Easement "A"", "Drainage & Utility Easement "B""; "Drainage & Utility Easement "E"" (together, "Drainage Easements"), and "Construction Grading Easement "C"" and Construction Grading Easement "D"" (together, "Grading Easements").

NOW, THEREFORE, the Declarant hereby subjects said Lots 1, 2, and 3 to the following Private Way and Maintenance Agreement, which Agreement runs with the land and shall be binding on Declarant, their successors and assigns.

(1) the Owners of the Lots shall have the perpetual, non-exclusive right to use Spring Farm Circle and the utilities located within Spring Farm Circle for travel on foot and by motor vehicles to and from said Lots to Summer Street;

(2) the use of Spring Farm Circle shall be restricted to travel thereon by the Owners of the Lots and their respective family members, guests and business invitees;

(3) the Owners of the Lots shall bear jointly and equally the responsibility of (a) maintenance, repairs, reconstruction, and snowplowing of Spring Farm Circle and (b) the

maintenance and repairs of the Grading Easements and the drainage facilities located or to be located within the Drainage Easements, as follows:

Lot 1	33 1/3%
Lot 2	33 1/3%
Lot 3	33 1/3%

Because Lot 4 has no right or interest in Spring Farm Circle, Lot 4 shall have no obligations or responsibilities for Spring Farm Circle, the Grading Easements (except not to alter the elevations of or otherwise interfere with the "Construction Grading Easement "C"), or the Drainage Easements.

(4) the terms "maintenance and repair" shall include, but shall not be limited to, any necessary reconstruction, any expense of snowplowing and repairs in order to maintain Spring Farm Circle in a good and passable condition, and the utilities, Grading Easements, and Drainage Easements in a good and workable condition;

(5) any necessary maintenance, repair or reconstruction of Spring Farm Circle shall be carried out so that the products of erosion as a result thereof shall not be carried in the storm drainage system;

(6) maintenance and repair of Spring Farm Circle, the Grading Easements, and/or the Drainage Easements shall be performed upon the reasonable request of the Owners of two (2) of the Lots. If any of the Owners of any of the Lots shall fail or refuse at any time to bear responsibility and make payment, or such maintenance or repair shall otherwise be in dispute, the Owners of each of the Lots shall select an arbitrator and if the arbitrators so selected cannot by majority agree on a resolution within ten (10) days from appointment, then they shall select one arbitrator by a majority vote within five (5) days thereafter, and the decision of the arbitrator so selected shall be binding on all of the Lot Owners;

(7) the Owners of the Lots shall restrict their use of the private way as above stated and shall not impede the passage of foot or vehicle traffic on Spring Farm Circle by parking upon it;

(8) it is hereby acknowledged and understood that Spring Farm Circle, and the drainage facilities appurtenant thereto, will not at any time be accepted by the Town of Acton as

a public way, and accordingly, all snowplowing and other maintenance and repair will be and remain the sole responsibility of the Owners from time to time of said Lots;

(9) The Owners of Lots, for themselves and their heirs, successors and assigns, hereby acknowledge that Spring Farm Circle is subject to the terms and conditions set forth in Decision \_\_\_\_\_ of the Acton Planning Board, including, without limiting the generality of the foregoing, Spring Farm Circle shall remain a private way and the Owners of Lots shall:

- a. be jointly responsible for the removal of snow and ice on Spring Farm Circle;
- b. be jointly responsible for any general maintenance and upkeep of Spring Farm Circle and any associated drainage structures and other utilities;
- c. not petition the Town of Acton to accept Spring Farm Circle as a public way and shall not petition the Town of Acton to provide snow and ice removal services or any other maintenance of Spring Farm Circle;

(10) The Owners of the Lots and their respective heirs, successors and assigns, hereby agree that they shall, from time to time, execute any additional documents, required by the Town of Acton, or otherwise, reasonably required to enable said private way to be used to service said Lots;

(11) Lot 1 shall be accessed from Spring Farm Circle, once constructed and useable for access to Lot 1. Thereafter, no driveway connecting directly to Summer Street shall be constructed on Lot 1; and.

(12) Lot 4 shall retain its existing utilities and its existing driveway on Summer Street, except as may be permitted by a modification to this Agreement. The Owner of Lot 4 is a party to this agreement only to grant and establish the rights and easements pertaining to Spring Farm Circle, the Grading Easements, the Drainage Easements, and the Lots.

WITNESS the execution hereof under seal this \_\_\_\_ day of August, 2006.

DEVELOPERS:

\_\_\_\_\_  
Benjamin A. Gruber

\_\_\_\_\_  
Jane A. Gruber

\_\_\_\_\_  
Nancy L. Meehan

STATE OF MINNESOTA

\_\_\_\_\_ County \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, Benjamin A. Gruber, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2006

Then personally appeared before me, the undersigned notary public, Jane A. Gruber, proved to me through satisfactory evidence of identification, which was MA DRIVER'S LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2006

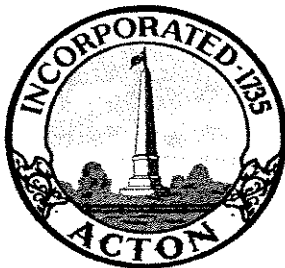
Then personally appeared before me, the undersigned notary public, Nancy L. Meehan, proved to me through satisfactory evidence of identification, which was MA DRIVER'S LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

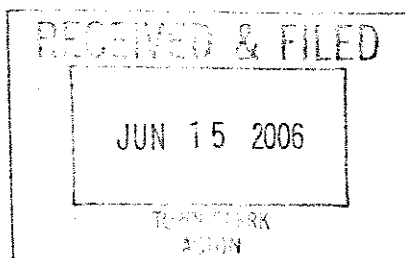
My Commission Expires:

**APPENDIX C:**

**COPY OF PRELIMINARY DECISION Spring Farm Circle  
& REDUCED PLAN**



Planning Board



**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630  
pb@acton-ma.gov  
www.acton-ma.gov

## **DECISION**

06-04

### **Spring Farm Circle**

Preliminary Subdivision (Residential Compound)

June 13, 2006

**APPROVED with CONDITIONS**

Decision of the Acton Planning Board (hereinafter the Board) on the application of Jane A. Gruber (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Benjamin A. and Jane A. Gruber of 105 Summer Street, Acton, MA and Nancy L. Meehan of 107 Summer Street, Acton, MA. The property is located at 105 and 107 Summer Street and shown on the 2004 Acton Town Atlas map F-1 as parcels 110 and 110-1 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Preliminary Plan for Spring Farm Circle a Residential Compound at 105-107 Summer Street in Acton, Massachusetts", received by the Acton Planning Department on May 3, 2006, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the subdivision proposal to the Board at an advertised public meeting of the Board on May 23, 2006. Mr. Richard Harrington of Stamski and McNary, Inc. represented the Applicant. Board members Gregory E. Niemyski (Chairman), William F. King, Ruth M. Martin, Edmund R. Starzec, and associate members Mr. Bruce Reichlen and Mr. Alan Mertz were present at the meeting. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

## **1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A plan entitled "Preliminary Plan for Spring Farm Circle a Residential Compound at 105-107 Summer Street in Acton, Massachusetts", dated 5/2/06, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.2 A plan entitled "Conceptual Proof Plan in Acton, Massachusetts", dated 5/2/06, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.3 Supplemental items and documentation required by the Rules consisting of:
  - An Application for Approval of a Preliminary Plan, form PP, dated 4/27/06.
  - Filing fee.
  - A completed Development Impact Report, form DIR.
- 1.4 Additional information submitted by the Applicant:
  - A certified list of abutters.



1.5 Interdepartmental communication received from:

- Acton Building Commissioner, dated 5/9/06;
- Acton Engineering Department, dated 5/17/06;
- Acton Fire Chief, dated 5/18/06;
- Acton Health Director, dated 5/17/06;
- Acton Planning Department, dated 5/18/06;
- Acton Treasurer's Office, dated 5/8/06;
- Acton Tree Warden & Municipal Properties Dir., dated 5/5/06;
- Acton Water District, dated 5/12/06.

1.6 Correspondence received from:

- Ronald and Scena Proodian of 361 Arlington Street, Acton, MA dated 5/17/06.
- Geoffrey and Manya Hughes of 95 Summer Street, Acton, MA dated 5/23/06.

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

## **2 FINDINGS and CONCLUSIONS**

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Applicant proposes the 4-lot subdivision as a Residential Compound under Section 10 of the Rules. Section 10 of the Rules provides for broad waivers to "permit small-scale residential subdivisions in a manner that minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town". It refers to the common driveway standards of the Acton Zoning Bylaw (hereinafter the Bylaw) as a guideline for laying out and constructing residential compound subdivisions.
- 2.2 The proposed subdivision is located within the Residence 2 zoning district and the Groundwater Protection District Zones 2 and 3.
- 2.3 The Plan shows the division of approximately 2.85 acres into four single-family residential lots. Two lots have existing houses on them.
- 2.4 The existing and the proposed new single-family residences are allowed on the Site in accordance with the Bylaw, including all overlay district requirements.
- 2.5 The proposed lots as shown on the Plan comply with the area and frontage requirements of the Bylaw, including all overlay district requirements.
- 2.6 The Plan shows a +/- 240-foot long unnamed subdivision street (private way), with a loop turnaround, that intersects with Summer Street. The proposed pavement width is 18 feet within a 30-foot wide layout.
- 2.7 The proposed lots destroy much of the existing trees and vegetation between the Site and Hughes and the Proodian properties.
- 2.8 The Applicant has submitted a "Proof Plan" that shows a 4-lot subdivision. The Proof Plan does not show the proposed locations for the soil absorption systems and dwellings for lots 2 and 3. The Proof Plan shows the porch being removed from the existing dwelling and a soil absorption system replacing the existing soil absorption system on lot 4 to allow for a standard subdivision street as required by the Rules. As currently drawn, the standard street dimensions, lot areas, and frontages on the Proof Plan meet the minimum requirements of the Rules and Bylaw.
- 2.9 The application did not include a draft common driveway maintenance agreement and covenant as required under section 10 of the Rules.

- 2.10 The Applicant has not requested any specific waivers from the Rules. However, the proposal as a Residential Compound contemplates waivers from sections 8 and 9 of the Rules. The Board, in its discretion, may grant waivers to any or all, or to none of the portions of these sections. As a general policy, the Board does not usually waive sidewalk requirements of the Rules (section 9.6), but it does allow, and in the case of Residential Compounds, it encourages sidewalks in alternative locations more useful to the applicant and the general public.
- 2.11 Under Massachusetts Law, property taxes on the land must be paid prior to recording of a definitive plan.
- 2.12 The Board has received comments from various Town departments and adjacent property owners, which are listed as Exhibits 1.5 and 1.6 above. The Board has considered these comments in its deliberations and made them available to the Applicant.

### **3 BOARD ACTION**

Therefore, subject to and with the benefit of the following waivers, conditions, and plan modifications, the Board voted on June 13, 2006 to APPROVE the preliminary subdivision.

#### **3.1 WAIVERS**

Waivers from the Rules sections 8 and 9 in accordance with section 10, Optional Residential Compound Plan, seem appropriate to allow the street layout and design generally as depicted on the Plan as modified herein.

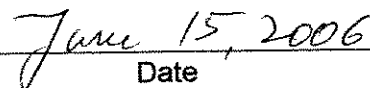
#### **3.2 CONDITIONS and PLAN MODIFICATIONS**

Unless stated or implied otherwise, the conditions shall be fulfilled and the modifications to the Plan shall be made before filing the application for approval of a definitive plan.

- 3.2.1 Show the proposed soil absorption systems and dwellings for lots 2 and 3 on the Proof Plan.
- 3.2.2 On the Plan, show the shed on the Proodian property.
- 3.2.3 Correct the label on the structure in the rear of the Potter property because it is not a dwelling.
- 3.2.4 Modify the design of the private way by reducing the pavement width to 12 feet and providing a t-turnaround (or similar design with less pavement) sufficient for SU-30 vehicles.
- 3.2.5 Lot 1 shall be accessed from the private way. No driveway shall be constructed for lot 1 from Summer Street.
- 3.2.6 Place a note on the Plan stating that the private way shall only serve the lots shown on the Plan.
- 3.2.7 Submit a draft common driveway maintenance agreement and covenant for the street and all its appurtenances as required under section 10 of the Rules, including an operation and maintenance plan for the proposed drainage system. The covenant shall state that lot 1 shall be accessed only from the private way.
- 3.2.8 Show street addresses for the two new lots and a street sign adjacent to the private way at Summer Street displaying the addresses according to the 5/17/06 Engineering Department memo.

- 3.2.9 Show adequate monumentation of the lots and private way as recommended in the Engineering Department memo.
- 3.2.10 Show an easement encompassing the road drainage facilities on lot 2.
- 3.2.11 Submit copies of the deep test holes and percolation tests for the proposed drainage recharge area.
- 3.2.12 Consult with the Fire Chief regarding the revised private way design and general fire protection issues prior to definitive plan submittal.
- 3.2.13 Consult with the Acton Water Supply District concerning water service for the lots, and make Plan changes as necessary.
- 3.2.14 Consult with the Acton Health Department regarding the inspection and possible replacement of soil absorption systems, and make Plan changes as necessary.
- 3.2.15 The Applicant shall construct a sidewalk. The applicant shall choose one of two locations to construct the sidewalk. Option one: submit a construction plan for a sidewalk along the south side of Summer Street extending west from approximately 148 Summer Street to the Acton/Boxborough town line. Option two: submit a construction plan for a sidewalk along the west side of Willow Street from Kingman Road extending north for 455 feet at \$30.00 per foot of sidewalk. This cost equals the approximate cost of constructing a sidewalk along the Site's proposed unnamed 242-foot street (at the Board's construction cost equivalent value estimate for new sidewalks of \$15.00 per foot of sidewalk) and the Site's 333-foot frontage along Summer Street (at the Board's construction cost equivalent value estimate for off-site, existing road sidewalks of \$30.00 per foot of sidewalk). Regardless of the sidewalk option chosen, where the sidewalk terminates, connect it to the street pavement.
- 3.2.16 Place a construction note on the Plan stating that all brush and overhanging limbs growing along Summer Street in front of 105 and 107 Summer Street shall be trimmed back to the property lines to provide improved visibility for vehicles turning onto Summer Street from Spring Farm Circle.
- 3.2.17 Unless directed otherwise by this decision, the definitive plan shall comply with all requirements of the Rules, and shall address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.
- 3.2.18 All property taxes and other municipal charges must be paid prior to the application for approval of the definitive plan.

  
Roland Bartl, AICP, Town Planner  
for the Acton Planning Board

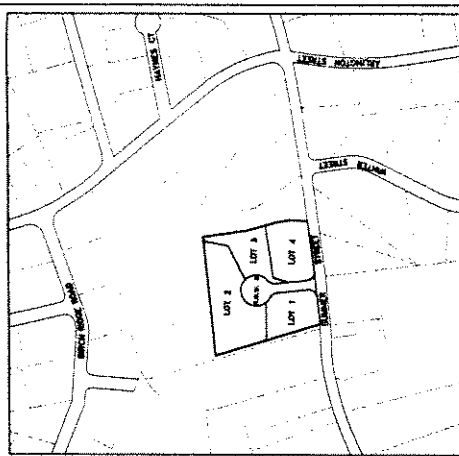
  
Date

Copies to:

Applicant  
Engineering Department  
Conservation Administrator  
Town Assessor

Building Commissioner  
Municipal Properties Director  
Town Manager  
Historical Commission

Board of Health  
Town Clerk  
Fire Chief  
Police Chief

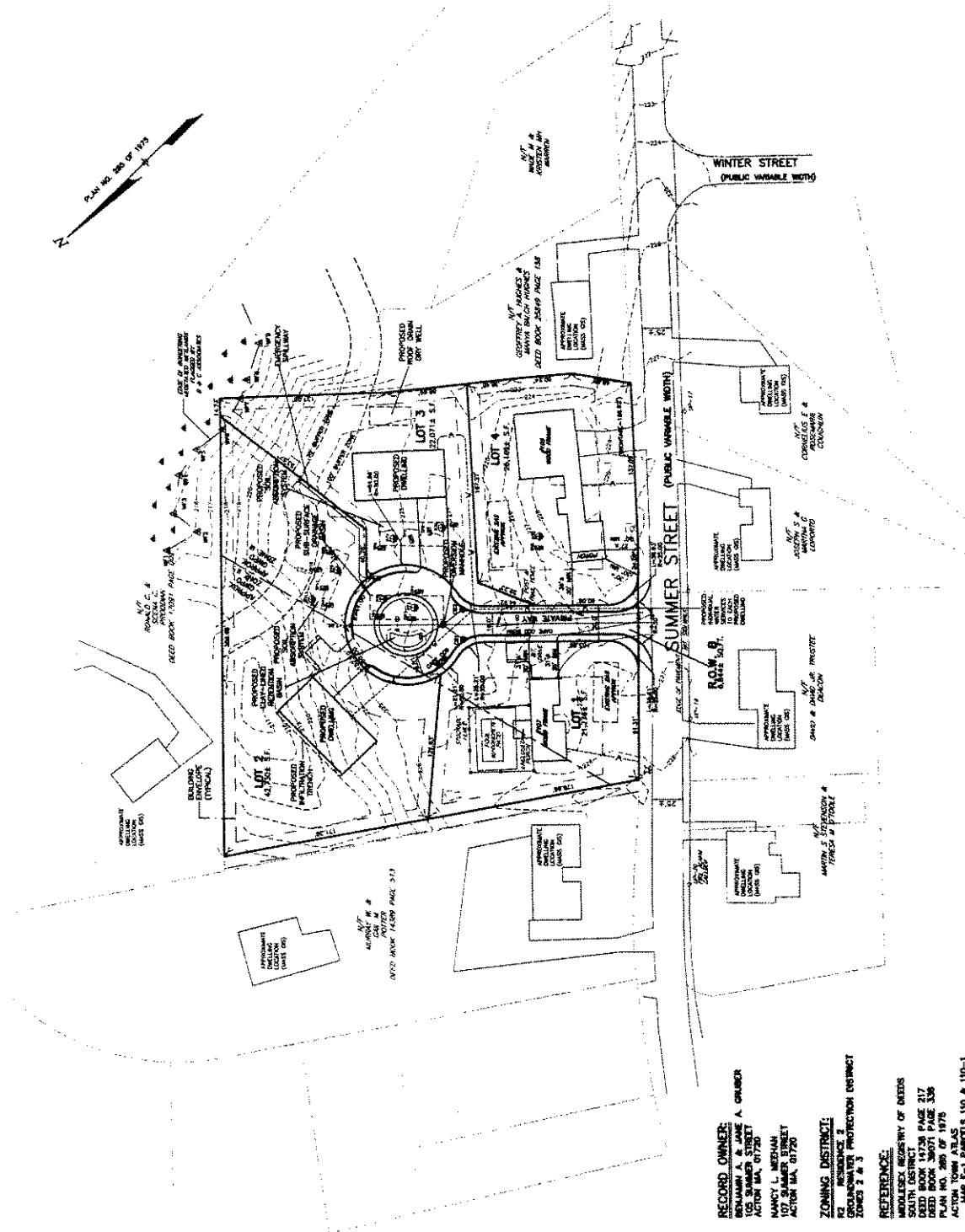
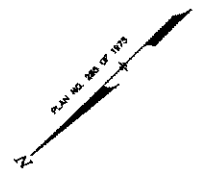


LOCUST MAP  
SCALE 1" = 200'

"PRELIMINARY PLAN"  
FOR  
SPRING FARM CIRCLE  
A RESIDENTIAL COMPOUND  
AT 105-107 SUMMER STREET  
IN  
ACTON, MASSACHUSETTS  
(MIDDLESEX COUNTY)  
FOR: GRUBER  
SCALE: 1"=40' MAY 02, 2006



STANSKI AND MCNARY, INC.  
10 HANES STREET  
ACTON, MASSACHUSETTS  
01725  
ENGINEERING - PLANNING - SURVEYING  
(508) 461-2200 FAX (508) 461-2201



RECORD OWNER:  
STANSKI AND MCNARY, INC.  
105 SUMMER STREET  
ACTON MA 01720  
NANCY L. MEEHAN  
107 SUMMER STREET  
ACTON MA 01720  
ZONING DISTRICT:  
R2 RESIDENCE 2  
GROUNDWATER PROTECTION DISTRICT  
ZONES 2 & 3  
REFERENCE:  
NOTICES OF DECISION OF DEEDS  
SPECIAL RECORDS  
DEED BOOK 19726 PAGE 217  
DEED BOOK 30071 PAGE 336  
PLAN NO. 306 OF 1975  
ACTON, MASSACHUSETTS  
TOWN F-1 PARCELS 110 & 110-1